

Duxbury's Town Landing

By the REV. CANON ROBERT MERRY

On a hot, hazy day in July at half ebb tide, Mrs. Merry and I piled our 2 grandchildren into our beach wagon with its sticker on the glare shield and headed for what young people in Duxbury call the "Big Beach." We boycotted our own landing at Howland's because of lack of water and headed down Washington St., threading our way through the traffic jam at Mattakesett Court, the yacht club and Sweetser's Store beyond Snug Harbor. A few swimmers and dare-devil divers slowed us down as we crossed Blue Fish River Bridge and rounded Powder Point onto King Caesar Rd. The bay was full of sail and motor boats -- simply a gorgeous sight -- and we stopped at the end of the Powder Point Bridge as 2 police officers were untangling a traffic snarl on the upper-level parking lot at the south end of the bridge. Many cars were coming and going and some turning around at the circle at the far end of the bridge as another police officer and 2 Land and Natural Resource persons checked on car stickers, and we pushed our way, each with a small child in tow to the outer beach.

I surveyed the scene as we sat down and distributed our sand buckets and shovels and plastic toys, and it was a sight not soon to forget. Half a mile down the beach where Gurnet was scarcely visible in the heat haze stood a couple of dozen of the road vehicles, their occupants enjoying the receding surf in front. Nearer there were probably several hundred people, including families with children up and down the beach. Looking toward Blakeman's and Brant Rock, there were similar crowds, plunging into the waves and escaping the 90-degree-plus heat. I turned to Mrs. Merry and said, "Isn't it wonderful to live in a place where so many can get such healthful recreation -- renewal of body and soul -- by such little effort?" She replied, "Indeed, and of course it's the water. Without that we and they just wouldn't be here at all."

Accessibility to "the water," meaning tidal ocean water, was one of the sine qua non requirements of the earliest settlers. In fact, this accessibility was given with deeds to the land that was originally parceled out. Water resource was essential for transportation, for shellfish and other food and fertilizer, on which our ancestors depended for their families' support. But as more and more people arrived on these shores and began settlements farther

back from the water, rights of water access which involved running over one or 2 or perhaps 3 other properties became a hardship, and several acts of the legislature from 1641-1647 now called the "Colonial Ordinances" laid out the guidelines for such water access for future years. Recent court cases have gone back to these rulings for direction in landing problems today. Most startling to marine law students from out of state is the one that grants to property owners in Massachusetts rights down to the mean low water mark. This law, unique in Massachusetts (and Maine, as well, for it was promulgated when Maine was part of Massachusetts) was brought to the attention of a New York lawyer by the name of Martin Auerbach vacationing on Martha's Vineyard.

The story was told in the Boston Globe: Mr. Auerbach walked as he would have in any other coastal state on the beach below high water mark in front of Jackie Onassis' house and was accosted by a guard on patrol who politely showed a letter from the prestigious law firm of Ropes and Gray not only quoting the law but the legal opinion of the firm that anyone walking on a privately-owned beach above the low water mark was guilty of trespassing. This law and others like it have been brought into question by environmentalists. In fact, there is movement based in Connecticut, now no bigger than a man's hand but increasing in importance, that claims that the ocean waters and their tributaries belong to all the people, and this means access to them. Some of them go so far as to organize "protest picnics" in which they gather groups of friends and motor to some privately-owned beach and hold a picnic there below high water mark and leave word that this belongs to them by right of common law. It is a fact that as a *Boston Globe Magazine* story reported a few years ago (1975), of the roughly 5,000 miles of shore line from Eastport, Maine, to Stamford, Conn., only 500 are for public use for water accessibility.

It should be noted for Duxbury residents that as with the now nationally recognized wetlands law, Duxbury was a pioneer in the establishment of legally deeded publicly owned town landings. Duxbury in 1907 petitioned the state legislature to set aside certain landings long in use for the assured future availability for Duxbury residents. At this early date, warning signals were up, especially in a report of a town landing committee in 1899 which said, "Your committee feel that they would be derelict in their duty if they did not remind you that every year the attractions of this old historic town with its beautiful bay are drawing more and more people to its shores and that in the march of events the shore properties will come into the possession of those seeking rest and recreation and who are in quest of summer homes. When this happens, unless you gentlemen bestir yourselves to acquire outlets to the bay, the shore will be closed to the public from Josselyn Ave. to the Kingston line with the exception of the town

landing south of Captain's Hill which is out of the route of travel." This refers, of course, to the present Howland's Landing that for those of us who use it, it is no longer considered "out of the route of travel."

This report in 1899 was the first complete report of a town landing committee duly commissioned by Town Meeting. The second was in 1904, the third in 1922 and the last, to which this essay owes much of its information, was done by Robert Ramsay, Robert Cooper and Don Corcoran and is now on file in the Duxbury Room in the Duxbury Free Library. I am also deeply indebted to the town historian and to Myrna Walsh, a colleague on the staff of the *Clipper*, whose patient hours of research have done much to help me give *Clipper* readers some insight into what one life-long resident of town called "Duxbury's best-kept secret," the where and how of its public landings.

The oldest public landing in Duxbury is probably the Old Cove, which was active in 1715, and flourished well into the mid-1900s or at least until the drawbridge on Powder Point was eliminated. With complete navigability of the bay at high tide, which coastal engineers estimate was 3 feet deeper than it is now, it is easy to see tall ships in full sail bringing their loads of lumber and coal and molasses and rum and hemp up into Duck Hill River and in stormy times seeking shelter from that wide expanse of marsh. This marsh has moved in recent years, right into the river, but several channels remain which are ideal for canoeing and water skiing. A scant 2 houses remain on the shore where there stood 20 bathhouses and a dozen boathouses when we held water sports there in the '20s.

The most popular public landing is Mattakesett Court, located near Snug Harbor. Here are provided a concrete launching ramp, a parking area for cars and trailers and on paper and in my days as steward of the yacht club a modest beach for swimming. The landing is really crowded on summer weekends, but it is by far the best boat landing in town.

Blue Fish River area boasts both a landing for nature observation (at the point where the curve of St. George St. joins Blue Fish River) and a launching space (unpaved) behind No. 1 Fire Engine House. Informal (and I'm afraid illegal) dare-devil diving is often seen at high tide on hot days from the stone bridge and railing.

The most expansive public landing area is the entire Powder Point Bridge complex. Beach areas at the end of the bridge both north and south are designated as public, and parking is provided for 25 or so cars on an upper level on the south side of the

bridge. At the far end of the bridge, the town has reserved a 60-foot right of way right down to the ocean water. The beach itself is owned by the Duxbury Beach Association, a non-profit corporation who lease it to the town for a stated sum. Parking area for Duxbury residents who have paid and display a \$10 sticker on their cars is provided in a paved area on each side of the bridge circle. Anyone who wants to drive over the bridge may do so without hindrance, but only residents may park there. Duxbury taxpayers maintain the bridge although most all-year-round users live at Gurnet or on Saquish, which are both in the geographical area of the town of Plymouth. Do I hear of any volunteers who want to ask for bridge support from Plymouth?

Another popular landing for Duxburyites is at the end of Landing Rd. off Bay Rd. This is most popular for swimmers, most of whom live in the Alden Heights area, but I notice an increasing number of power and sailboats moored here. The same could be said on a more modest scale for Harden Hill Landing, located at the end of Harden Hill Rd. at 51 Washington St. Harden Hill provides limited parking on the right side of the road and a pleasant sandy beach and the tide lingers here as it does at Shipyard Lane.

Shipyard Lane is the only bona fide public beach in

Duxbury, the gift of the late Eben Ellison to the town for purposes of recreation only. The deed to the property states that no building shall be erected nor shall a wharf of any kind be constructed. There is a fair-sized parking lot and trash barrels help keep the area clean of litter. Boat-launching or landing was not envisioned when this beach was set up, but the increasing number of boats in the area has provided a challenge to the creativity of our genial harbor-master, Don Beers. Don is fearful of the combination of swimming and boating, especially powerboats.

Howland's Lane goes back many years, as Allen's wharf and in my day Walter Smith's fishprocessing factory stood nearby. It is probably the most varied of our town landings. Some fishermen, some lobstermen, a few swimmers whose feet are toughened by the rocky hard pan, and many pleasure boats which take advantage of the all-tidal aspect of the landing. There is a gravel surfacing all the way to deep water (8 feet at dead low tide) and asphalt pavement down to the high water mark to allow even pleasure vehicles to back right down to the channel. Next to the mooring area at Mattakesett Court, this is the largest in town, harboring as many as 85 boats last year. Limited parking is available for as many as 20 cars, and trailers are also welcome, with spilling out onto Crescent St. on occasion.

Another excellent landing facility for high water only is located at Hick's Point off Bay Rd., which, according to local residents, is seldom used. There is an adequate turning area on a gravel hard pan and room for 6 or 8 cars. Concrete posts mark off the area owned by the town.

This, like so many of Duxbury's town landings, is seldom used. One reason may be the muddy bottom beginning at high water level. Another reason, and one that applies also to the rest of the 16 landings in Duxbury, is that these water connections were laid out originally when no one had an automobile, and the parking and policing problems, not to mention neighborhood disruptions, would be insurmountable.

I asked Chief MacNeil of the Duxbury Police if there had been many recent complaints from either users of rights of way to the water or adjacent property owners and he said there had been very few in the past few years, in contrast to years ago when this was a major police summer problem. I wondered out loud if boating and swimming people in Duxbury just felt they had ample recourse to water. Many had pools in their backyards; some had 4-wheel drive wagons that could negotiate the beach; others felt that the landing areas that are active are so well kept up at the times and places where they were needed

that people just weren't interested in reopening the landings that had fallen into disuse. "All the people have to do is go to Town Meeting, appropriate the necessary money and take by eminent domain any land they feel is necessary for the welfare of the town, said a public figure of many years in the town. Do we need to go to this extreme? The Standish Shore Improvement Assn has called for a new comprehensive survey of our town needs, in response to the 1974 Town Landing Committee Report. The town purchased the Bay Farm in 1972 as a new town recreation area. They have obtained a "first refusal" option on "Blairhaven," the Church Union Camp abutting Howland's Landing. The new "bikeways" plan is moving forward. Can it be that the inactive town landings can be brought again into use with mutual general satisfaction? This and related questions will be considered in the second of these 2 articles.

Welcome Wagon

CAROLE LOPORTE
Hostess

DUXBURY, MA 02332
934-5858



Boat houses on Cove Rd. Beach.